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6
7 IN THE UNITED STATES DISTRICT COURT
8
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR 05-00271-SBA
11 v.) Plaintiff,) STIPULATION AND ORDER FOR
12)) CONTINUANCE AND EXCLUSION
13)) OF TIME UNDER THE SPEEDY
14)) TRIAL ACT, 18 U.S.C. §3161 ET SEQ.
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SHAWAN ISH MILL SPRAGANS,) Date: November 8, 2005
Defendant.) Time: 10:00 a.m.
_____) Court: Hon. Saundra Brown Armstrong
U. S. District Court

15 This matter is currently on calendar for sentencing on Tuesday, November 8, 2005, at 10:00
16 a.m. Defendant Shawan Spragans and the government, through their respective counsel, jointly
17 stipulate and request that the matter be taken off calendar and continued to the new date of
18 December 13, 2005, at 10:00 a.m. for sentencing. The parties further request that the time
19 between today's date and December 13, 2005, be excluded from calculations under the Speedy
20 Trial Act, 18 U.S.C. §3161(h)(1)(I) for the reasons set forth in this stipulation. At this time, the
21 parties have submitted to the Court a proposed plea agreement. Sentencing preparations are in
22 process but are not yet complete. The parties agree that the sentencing date should be continued
23 until December 13, 2005, and further agree that the time between today's date and the date of
24 sentencing on December 13 is automatically excluded under the Speedy Trial Act because this
25 represents a delay resulting from consideration by the court of a proposed plea agreement to be
26 entered into by the defendant and the attorney for the Government. *See* 18 U.S.C. §3161(h)(1)(I).

1 SO STIPULATED.

2 Dated: October 20, 2005

/S/

3

 HILARY A. FOX
4 Attorney for Defendant Spragans

5 SO STIPULATED.

6 Dated: October 21, 2005

/S/

7

 MERRY JEAN CHAN
8 Assistant United States Attorney

11 SIGNATURE ATTESTATION

12 I hereby attest that I have on file all holograph signatures indicated by a "conformed"
13 signature ("S/") within this efiled document.

14 Dated: October 21, 2005

/S/

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 MARILEE BARBEAU
16 Legal Secretary

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ORDER

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 FINDS that the parties have submitted a proposed plea agreement to the Court for the Court's
4 consideration, and that this proposed plea agreement remains under review. Accordingly, the
5 period of time from today's date until the date of sentencing on December 13, 2005, shall be
6 excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(1)(I).

7 Based on these findings, IT IS HEREBY ORDERED THAT the hearing that is currently
8 scheduled for November 8, 2005, shall be continued to December 13, 2005, at 10:00 a.m. for
9 sentencing, and that the time from today's date through December 13, 2005, shall be excluded for
10 purposes of the Speedy Trial Act, 18 U.S.C. §3161(h)(1)(I).

11 IT IS SO ORDERED.

12 || Dated: October 21, 2005

Saundra B Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Court